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DIVISION OF DISABILITY AND ELDER SERVICES

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DATE: March 23, 2005 **DDES-BQA-05-004**
Supersedes BQA 04-028 only for Nursing Homes

TO: Nursing Homes **NH - 02**

FROM: Jan Eakins, Chief
Provider Regulation and Quality Improvement Section

VIA: Cris Ros-Dukler, Director
Bureau of Quality Assurance

**Clarification of Nursing Home Reporting Requirements for Alleged Violations of
Mistreatment, Neglect, and Abuse, Including Injuries of Unknown Source, and
Misappropriation of Resident Property**

Effective Immediately: Center for Medicare and Medicaid Services (CMS) Survey and Certification (S&C) Memo 05-09 at www.cms.hhs.gov/medicaid/survey-cert/sc0509.pdf provides directions and mandatory nursing home requirements regarding alleged violations of mistreatment, neglect, and abuse, including injuries of unknown source, or misappropriation of resident property. BQA memo 05-004 supersedes BQA memo 04-028 for Nursing Homes and can be found in its entirety via http://dhfs.wisconsin.gov/rl_DSL/Publications/BQAnodMems.htm. **Please note** that memo 04-028 remains in effect for the other providers listed on that memo.

To comply with this S & C Memo:

- Nursing homes must ensure that **all** alleged violations involving mistreatment, neglect, or abuse, including injuries of unknown source, and misappropriation of resident property are reported immediately to the administrator of the facility **and** BQA. Immediately means as soon as possible, but not to exceed 24 hours after discovery of the incident.
- Designated facility staff must complete the [attached form](#) titled "Alleged Nursing Home Resident Mistreatment, Neglect And Abuse Report" (DDE-2617) for all allegations, and **e-mail it to Caregiver_Intake@dhfs.state.wi.us or fax to 608-243-2020 within 24 hours of discovery of the incident.** This form is available on the website at <http://dhfs.wisconsin.gov/forms/index.htm>.

- Upon completion of the internal investigation, the facility must mail the following:
 - ▶ Completed “[Caregiver Misconduct Incident Report](#)” (DDE-2447),
 - ▶ A copy of the “[Alleged Nursing Home Resident Mistreatment, Neglect And Abuse Report](#)” (DDE-2617),
 - ▶ The incident report and any available documentation, and
 - ▶ The results of the investigation within 5 working days to:

Bureau of Quality Assurance
Office of Caregiver Quality
2917 International Lane, Suite 300
Madison, WI 53704

These requirements are based on federal rules and are different from guidance previously provided in [BQA memo 04-028](#), which was based on Wisconsin’s Caregiver Law. If you have any questions, please contact your Regional Field Operations Director.

[Enclosure](#)